

THE LAW OFFICES OF SEAN M. MAHER, PLLC

January 17, 2018

VIA ECF

The Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

**RE: *United States v. Mors et al. (Janis Klava),*
16 Cr. 692 (JMF)**

Dear Judge Furman:

This sentencing letter is respectfully submitted on behalf of Mr. Janis Klava. In light of the all of the 3553(a) factors before the Court, it is requested that the Court impose a sentence below the 57 months' of incarceration recommended by the Probation Office.

"Joinery. I learned joinery," Janis Klava responded.

"What is that?" asked the slightly confused probation officer.

"You know, joinery. With wood. How to work with wood," Janis tried to explain in broken English.

Joinery is the craft of constructing frames and panels from wood. It involves joining pieces of wood by creating joints to bind the wood together. There are many types of joints: some are made with power tools and some are made with hand tools. Joints can be made solely by crafting the fit between pieces of wood; they can also be made with glue and various types of fasteners. The goal is to create such a snug fit that two or more separate pieces of wood act as one while taking into account wood's anisotropic properties.

In almost any culture or society during the years 2010 to 2015, one could fashion a sustainable livelihood being a joiner. Except in Latvia.

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Janis Klava was born in Jelgava, Latvia in September of 1989. Janis' father, Aivars Klava, drove a taxi; Janis' mother, Edite Klava née Pelke, worked in a meat factory. "As his parents," states Edite, "his father and myself, we are lower than average level working class people."¹

Aivars and Edite worked full-time while Janis was a child, leaving Janis in the care of his paternal grandfather, who lived in the home with them. For ten years, Janis' grandfather took care of Janis while Janis' parents worked at the meat factory and driving a taxi. For the first three years of Janis' life, his maternal half-brother, Normunos lived at home with the Klavas. When Normunos, who is 15 years older than Janis, turned 18, he moved out, leaving Janis as the sole child in the household.

Although the family had a steady income from Aivars and Edite's jobs, the family still struggled financially. Extended members of the Klava family, like other people in the neighborhood, lived together to afford the rent and the cost of living.

About a year and a half before the official collapse of the Soviet Union, Latvia gained independence in 1990 and the decade functioned as a transitioning period for the nation, working to abandon Soviet fixed market policies and implement free market policies and public social programs, mimicking their Western EU counterparts. As policymakers worked to implement economic changes that would improve the nation's fiscal stability and work to reduce the income gaps and improve quality of life, the country's policies still lacked adequate redistribution and tax programs in comparison with other member states.² Many studies highlight the diminishing income gaps during this transition period in Latvia, however the OECD 2016 report explains how when observed along with taxes and other factors, income disparities in Latvia is among the lowest in the OECD bloc.³

Admitted into the European Union Eurozone in 2004, Latvia experienced a period of economic growth until the 2008 recession.⁴ The economic recession in 2008 rapidly reverted

¹ Letter of Edite Klava, attached as Exhibit A.

² Org. for Economic Co-operation and Development [OECD], *OECD Reviews of Labour Market and Social Policies: Latvia*, (2016), available at, http://www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/oecd-reviews-of-labour-market-and-social-policies-latvia-2016_9789264250505-en#page4.

³ Org. for Economic Co-operation and Development [OECD], *OECD Reviews of Labour Market and Social Policies: Latvia*, (2016), available at, http://www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/oecd-reviews-of-labour-market-and-social-policies-latvia-2016_9789264250505-en#page4.

⁴ K.S. and E.L., *Migration and Latvia: Far from home*, Economist, (2010), available at https://www.economist.com/blogs/easternapproaches/2010/10/migration_and_latvia.

Elina Aspite, Zaiga Krisjane & Maris Berzins, *Emigration from Latvia under economic crisis conditions*, 31 IPEDR 134, (2012), available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.463.7673&rep=rep1&type=pdf>.

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any positive effects of EU open labor markets for the small Baltic state, and further deteriorated the country's trade, banking, real estate, and labor markets causing approximately 30,000 Latvians to leave the country each year seeking work elsewhere.⁵

Janis loved his grandfather and had a good relationship with his parents. Janis describes his family life as "close." He felt close to his parents and grandfather. He felt that everyone got along. He felt that his neighborhood was close as well; he grew up right across the street from his school, where he walked to and from every day without fear.

As shared by his mother Edite, "Janis . . . grew up in a good, complete/full family. He was expected and loved child. He did not create problems in the family, had no police records, did not use drugs, and did not cause any other problems to his family."⁶

When Janis was ten years old, his grandfather died from complications arising from diabetes. Janis in effect lost a father.

In his middle school and high school years, Janis did not have an adult at home waiting for him when he returned from school. Aivars and Edite still had to work full-time to support the family. Even without omnipresent adult supervision, Janis displayed maturity and responsibility. He took school seriously - he attended classes and graduated high school.

Janis not only took school seriously, but also he took work and supporting his family seriously. By age 14, Janis worked part-time as a painter during non-school hours. A family friend named Vits hired Janis to help out with painting jobs whenever Janis needed money. Janis worked on and off as a painter and construction worker with Vits for the next twelve years.

While he was still in high school at age 16, Janis began working the night shift at the same meat factory, Jelgares Galas Kombinats, as his mother. He worked the night shift so that he could still go to school during the day.

After he graduated high school, Janis resumed working at the meat factory, hoping to secure long-term full-time employment at the factory. The larger national economic downturn, however, caused the company to lay off workers; under the factory's last hired/first fired policy, Janis was let go.

Janis was one among many Latvians experiencing the immense hardships of the 2008 crash; the country's soaring unemployment rates - as high as 22.8% in 2010 - the failing banks, and an inability to pay for housing in the country pushed out nearly 30,000 Latvians from their

⁵ K.S. and E.L., Migration and Latvia: Far from home, Economist, (2010), *available at* https://www.economist.com/blogs/easternapproaches/2010/10/migration_and_latvia.

⁶ Exhibit A.

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home country to find their living somewhere else.⁷ With the housing crisis early in 2008, the country's economy, reliant on capital and energy imports, quickly reacted to the crash throughout the EU paralyzing Latvia's trade markets and nearly halting domestic consumption for a largely unemployed Latvian population.⁸ With home owners in Latvia experiencing high levels of property repossession from Swedish banks that had propped up the economic boom in the early 2000s and annual declines in GDP of 18%, the financial meltdown began pushing Latvians out of their homes and to other countries within the European Union, like Ireland and the UK, to find low-paid and low-skilled jobs.⁹ While the UK and Ireland have received the bulk of Baltic labor emigrants since the 2008 financial crisis, many Eastern European emigrants, including Latvians, have relocated to North America seeking economic opportunity.¹⁰ An IMF report shows that 14% of monetary inflows from citizens working abroad have come from the United States.¹¹

While the economy has been slowly recovering since the recession, the majority of Latvians have not immigrated back home.¹² Currently, the nation's economy profits more from money sent home by Latvians working abroad than that of the country's own GDP, and the difficult living conditions and lack of economic opportunity has created a new crisis for the state which is losing its labor force to the rest of the EU and North America.¹³

As a teenager with a large degree of independence, Janis experimented with alcohol and drugs. He first started drinking alcohol at age 14 and became a fairly steady drinker. At the time

⁷ K.S. and E.L., Migration and Latvia: Far from home, *Economist*, (2010), *available at* https://www.economist.com/blogs/easternapproaches/2010/10/migration_and_latvia.

⁸ Elina Aspite, Zaiga Krisjane & Maris Berzins, *Emigration from Latvia under economic crisis conditions*, 31 IPEDR 136, (2012), *available at* <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.463.7673&rep=rep1&type=pdf>.

⁹ Elina Aspite, Zaiga Krisjane & Maris Berzins, *Emigration from Latvia under economic crisis conditions*, 31 IPEDR 134 & 136, (2012), *available at* <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.463.7673&rep=rep1&type=pdf>.

¹⁰ Elina Aspite, Zaiga Krisjane & Maris Berzins, *Emigration from Latvia under economic crisis conditions*, 31 IPEDR 134, (2012), *available at* <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.463.7673&rep=rep1&type=pdf>.

¹¹ Int'l Monetary Fund [IMF], *Republic of Latvia Country report 15/111*, at 3 (Apr. 9, 2015), *available at* <https://www.imf.org/external/pubs/ft/scr/2015/cr15111.pdf>.

¹² K.S. and E.L., Migration and Latvia: Far from home, *Economist*, (2010), *available at* https://www.economist.com/blogs/easternapproaches/2010/10/migration_and_latvia.

¹³ Org. for Economic Co-operation and Development [OECD], *OECD Reviews of Labour Market and Social Policies: Latvia*, (2016), *available at*, http://www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/oecd-reviews-of-labour-market-and-social-policies-latvia-2016_9789264250505-en#page4.

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of his arrest in 2016, Janis could drink 13-15 bottles of beer at a time. Janis first smoked marijuana around age 15 and smoked a few more times with friends, but nothing serious.

Unable to secure a long-term full-time job after graduating high school, Janis enrolled in a technical vocational school to learn joinery. Janis successfully completed the three-year joinery program.

While enrolled in the technical school, Janis continued to work part-time. One job Janis had for about nine months involved building wooden buckets at a factory. After being constructed, the wooden buckets were used by construction workers to mold the concrete bases for street poles. Janis continued to work on and off with Vits, assisting with painting and construction projects.

Around the time he graduated high school and began technical school, Janis met Erika Blazennova, who was about three years older than him; they quickly fell in love. Within in year, Janis and Erika were married. About two years into their marriage, Janis and Erika welcomed the birth of their daughter, who is now eight.

During this time, Janis, a well-trained, industrious skilled laborer with significant practical work experience, was making about 500 euros a month. Monthly rent alone was 250-300 euros. Erika, who worked as a physician's assistant, also did not make a significant salary.

Financial pressures began to build and exacerbate tensions in Janis' relationship with Erika. "Janis loved our daughter and spent a lot of time with her," explains Erika.¹⁴ "The poor financial situation and inability to find a reasonable paid work in Latvia, created problems."¹⁵

Janis became depressed. Here he was, in his twenties, an able-bodied skilled craftsman, yet he still had to live at home with parents because of the poor national economy. In his eyes, he saw no viable future in Latvia. He could envision an entire life of not being able to provide a home for his wife and daughter, and always having to rely on his parents or other relatives for a roof over his head. His own mother served as a daily reminder of this grim unrelenting reality; even after retiring from the meat factory, Janis' mother still had to work as a cleaner to help pay the bills.

A 2016 report from the Organization for Economic Co-Operation and Development ("OECD") found that, "in 2010, about 12% of the Latvian-born population over the age of 15 was living abroad," and that since 2000 the working-age Latvian population had declined by 25%.¹⁶

¹⁴ Letter of Erika Blazennova, attached as Exhibit B.

¹⁵ *Id.*

¹⁶ Org. for Economic Co-operation and Development [OECD], *OECD Reviews of Labour Market and Social Policies: Latvia*, (2016), available at, <http://www.keepeek.com/Digital-Asset->

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Janis saw what everyone in his generation saw - a nation bleeding and then hemorrhaging thousands of young people who felt they had no future if they remained in Latvia. Seeing so many of his generation fleeing the bleak Latvian economic landscape for something sustainable, Janis thought he could do better if he lived in the United States.

Around the end of 2014, Janis and Erika separated. Janis then made his way to the United States.

Janis was not alone in his flight from Latvia's economically depressed and deteriorated living conditions. When the financial crisis hit in 2008, the population in Latvia began to drastically decline, as hundreds of thousands of the country's citizens began emigrating to other EU member states, Russia, and the United States due to economic hardships.¹⁷ In 2000 there were only around 240,000 Latvian born peoples living abroad, mostly in other Eastern European states and some EU states, however the figures began to rapidly change with the financial crisis.¹⁸ In 2010, 310,000 Latvians were living abroad and 340,000 in 2015; the financial crisis obviously affected the people of Latvia with approximately 100,000 more people emigrating from the country between 2000 and 2015.¹⁹ In 2008 the Latvia population was estimated to be approximately 2,177,322 according to a study published by the World Bank. In 2009 this figure fell to 2,141,669; in 2010 the population continued to decline with an estimated population of 2,097,555. The financial crisis effects for Latvia were long term, as observed by the continual decline in the country's population throughout the years, dropping to 1,993,782 in 2014 and 1,960,424 in 2016.²⁰

Management/oecd/social-issues-migration-health/oecd-reviews-of-labour-market-and-social-policies-latvia-2016_9789264250505-en#page4.

¹⁷ *World Bank Open Data*, World Bank Group, Latvia Population Data, available at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LV&view=chart>.

U.N. Report from Pew Research Center, *Origins and destinations of the world's migrants 1990-2015*, (May 17, 2009), available at <http://www.pewglobal.org/2016/05/17/global-migrant-stocks/?country=LV&date=1990>.

¹⁸ U.N. Report from Pew Research Center, *Origins and destinations of the world's migrants 1990-2015*, (May 17, 2009), available at <http://www.pewglobal.org/2016/05/17/global-migrant-stocks/?country=LV&date=1990>.

¹⁹ U.N. Report from Pew Research Center, *Origins and destinations of the world's migrants 1990-2015*, (May 17, 2009), available at <http://www.pewglobal.org/2016/05/17/global-migrant-stocks/?country=LV&date=1990>.

²⁰ *World Bank Open Data*, World Bank Group, Latvia Population Data, available at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LV&view=chart>.

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Despite his efforts to join the thousands of other Latvians that fled to more economically stable nations hoping for opportunities to work, Janis did not find America to be the promised land of prosperity. Although he has accepted responsibility for his role in the charged fraud scheme, which bilked unwitting consumers out of hundreds of thousands of dollars, Janis did not personally receive anywhere near the amount of money that was stolen.

Since coming to the United States, Janis has been homeless for weeks at a time. Janis lived for several weeks in an SUV. He then stayed in a string of budget hotels. This was during the time period of the charged offense.

Janis participated in the charged offense not because he enjoyed stealing, but because he needed money. His choice to help steal money, as he now knows, has left him far poorer - economically, emotionally, and socially.

Janis recognizes the enormity of the damage he has caused with his decision to assist the conspiracy. For close to a year he has sat in the MDC thinking about the harm he caused to unsuspecting consumers, to his daughter, to his family, and to himself.

Upon completing whatever sentence the Court imposes, Janis likely will be deported back to Latvia. He will do his best to pick up the pieces of his life.

Janis' attitude and actions since being detained provide hopeful signs that he will be able to pick up the pieces; in fact, he already has.

Despite being a foreigner - an outsider - detained for almost a year in the MDC, he has not incurred any infractions. He remains in close contact with his mother, Erika, and his daughter through email, phone calls, and letters. As stated by Edite, "Right now I am a retired senior and his father has health issues but we still are in contact with Janis and keep relations, we provide him moral support since we can't support him financially."²¹ Although he and Erika have officially divorced, they continue to have a strong relationship and remain partners in the raising of their daughter.

As Erika has written in her letter to the Court, she and Janis' daughter "are living together with my parents since financial situation would not allow us to rent or buy an apartment on our own. Communication with Janis' parents is good and we maintain regular relations. Janis and my parents have respectful relationships. . . . I would like a lot my daughter to have a chance to see her father as soon as possible. Me and Janis keep in touch even now and . . . keep interest in each other's life."²²

While fearful about his long-term prospects in forging a livelihood in Latvia after he is deported, Janis looks forward to be reunited with his daughter and being a steady presence in her life.

²¹ Exhibit A.

²² Exhibit B.

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Based upon the totality of factors before the Court, it is respectfully requested that the Court impose a sentence below the 57 months' of imprisonment recommended by the Probation Office.

Respectfully submitted,

/S/

Sean M. Maher
Counsel for Janis Klava

cc: All parties via ECF